

410 Sherbourne Street - Zoning By-law Amendment Application – Preliminary Report

Date: January 25, 2022

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 13 - Toronto Centre

Planning Application Number: 21 235163 STE 13 OZ

Related Applications: 21 235164 STE 13 SA; 21 235374 STE 13 CD

Current Uses on Site: 4-storey Medical Office and 2-storey Live Music Venue

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the Zoning By-Law Amendment application located at 410 Sherbourne Street. The Application proposes to amend the Zoning By-law to permit the redevelopment of the site with a 39-storey mixed-use building. The proposal includes a total of 456 dwelling units, and 281 square metres of retail space.

The application has been circulated to all appropriate agencies and City divisions for comment. City Planning staff will proceed to schedule a community consultation meeting for the application, in consultation with the Ward Councillor. Staff note that the application is not supportable in its current form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 410 Sherbourne Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A pre-application meeting was held with the applicant on December 15, 2020 to discuss a proposed 25-storey development concept and to identify application requirements. Staff discussed the applicable policy framework and identified concerns with the proposal, including conformity with the Downtown Plan, shadowing on adjacent parks and open space, the overall building height, density and scale, the appropriateness of the proposed transition to the adjacent neighbourhood, and the loss of the existing live music venue use on the site.

THE APPLICATION

Complete Application Submission Date: December 13, 2021

Description

This application proposes to amend the Zoning By-law for the property at 410 Sherbourne Street to permit a 39-storey mixed-use building located above a 4 to 8-storey podium.

The proposal includes 281 square metres of retail space at the ground floor fronting Sherbourne Street, and 30,419 square metres of residential gross floor area, resulting in a total of 30,700 square metres of gross floor area (FSI of 13.26). A total of 456 dwelling units are proposed, comprised of 4 studio units (1%), 299 one-bedroom units (65%), 121 two-bedroom units (27%), and 32 three-bedroom units (7%).

A total of 94 vehicle parking spaces (65 resident spaces, 27 visitor spaces and 2 carshare spaces) would be provided mainly within a 2-level underground garage, with 3 visitor spaces at-grade. One "Type-G" loading space is proposed and would be located within the ground floor of the building. Access to parking and loading is proposed to be provided by a driveway from Sherbourne Street which would also provide a pedestrian connection to Maribeth Avenue to the west. A total of 457 bicycle parking spaces (411 long-term spaces and 46 short-term spaces) are proposed within the below-grade levels.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 2 and 3 of this report for three dimensional representations of the project in context and Attachment 6 for the Application Data Sheet.

Reasons for the Application

The Zoning By-law Amendment Application has been submitted in order to amend City-wide Zoning By-law 569-2013 and Former City of Toronto Zoning By-law 438-86, to permit an increase in the overall height and density on the site and to modify various performance standards such as those for setbacks and parking.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

POLICY CONSIDERATIONS

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;

- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Major Transit Station Areas

The Growth Plan (2020) as amended contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

The proposed development is within one draft MTSA boundary (Wellesley station) along the Yonge-University-Spadina subway line as depicted in Attachment 2 to report PH22.6, which was adopted by the Planning and Housing Committee on April 22, 2021. The report is available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH22.6>

Toronto Official Plan Policies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located on lands shown as Downtown and Central Waterfront on Map 2, and is designated Apartment Neighbourhoods on Map 18 of the Official Plan. See Attachment 5: Official Plan Map.

Downtown Plan

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

The Downtown Plan directs growth within the Downtown to lands designated Mixed Use Areas, Regeneration Areas, or Institutional Areas. As a result, other areas of the Downtown, including Apartment Neighbourhoods designated areas, are anticipated to have more modest levels of growth, in keeping with other policies and the direction provided by other Secondary Plans or Site and Area Specific Policies.

In addition, the Downtown Plan recognizes the importance of the culture sector in supporting the vibrancy and economic potential of the Downtown. Policy 12.1 encourages the retention and expansion of spaces for culture sector employment and businesses.

The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

Official Plan Amendment 352 - Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for setbacks and separation distances for buildings taller than 24 metres.

OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 were appealed to the Ontario Land Tribunal (the "OLT") following City Council's adoption of the planning instruments.

On November 25, 2020 and February 2, 2021, City Council endorsed modifications to OPA 352 and the Zoning By-laws with the intention of resolving the appeals.

On May 28, 2021, the OLT partially approved modifications to OPA 352 and the Zoning By-laws; however, some properties remain under site-specific appeal.

The Official Plan Amendment and associated Zoning By-law Amendments can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

Official Plan Amendment 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

The site is zoned Residential R (d2.0) (x970) under the City's harmonized Zoning By-law 569-2013. This zoning designation permits a variety of residential uses. The site is also zoned R under the former City of Toronto Zoning By-law 438-86, which includes comparable provisions to Zoning By-laws 569-2013.

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet-Friendly Design Guidelines;
- Retail Design Manual;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

COMMENTS

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, staff note that the application is not supportable in its current form. The following preliminary issues have been identified and must be resolved:

Provincial Policies and Plans Consistency/Conformity

Staff will evaluate this application to determine its consistency with the PPS and conformity to the Growth Plan, including but not limited to whether: the proposal makes efficient use of land and resources, infrastructure and public facilities; the proposal is directed to an appropriate location; appropriate development standards are promoted which facilitate compact form; an appropriate range of housing to accommodate a range of incomes and household sizes is provided; and the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas.

Official Plan Conformity

Staff will evaluate this planning application to determine its conformity to the Official Plan, including the Downtown Plan.

Built Form, Planned and Built Context

Staff will evaluate the suitability and appropriateness of the proposed height, massing, transition, and other built form issues based on Subsections 2 (d), (p), (q) and (r) of the Planning Act; the PPS; the Growth Plan; the City's Official Plan policies; OPA 352; the Downtown Plan (OPA 406); and the City's Design Guidelines and identify necessary changes to with the aim of arriving at a proposal supportable by staff.

The following preliminary issues have been identified:

- The proposal generates new net shadowing on a public park, Winchester Field, and on outdoor spaces at Jarvis Collegiate and Our Lady of Lourdes schools;
- The proposed tower height exceeds the existing and planned context and does not achieve an appropriate transition to adjacent sites;
- The appropriateness of the proposed tower floorplates and massing, including tower setbacks to Sherbourne Street and adjacent sites;
- The appropriateness of the massing and height of the base building; and
- The appropriateness of the site organization including location of driveways and servicing.

Staff will continue to assess:

- The shadow, wind and privacy impacts of the proposed buildings;

- The appropriateness of the proposed setbacks, stepbacks, and streetwall height; and
- The adequacy of the location and amount of proposed indoor and outdoor amenity space.

Public Realm

Staff will continue to review the proposed built form in relation to the public realm including:

- The appropriateness of the proposed enhancements to the public realm, including sidewalk widths and streetscape design along Sherbourne Street;
- The location and design of the proposed midblock connection to Maribeth Avenue;
- Pedestrian level wind conditions along Sherbourne Street and Maribeth Avenue; and
- The design and configuration of on-site public and private outdoor spaces.

Affordable Housing

Affordable Housing and Smart Urban Growth are strategic actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing, including affordable housing, will be provided and maintained to meet the needs of current and future residents. The Growth Plan also contains policies to support the development of affordable housing and the provision of a range of housing options to accommodate the needs of all household sizes and incomes.

City Planning staff will engage in discussions with the applicant, the Ward Councillor, and other City divisions to evaluate potential opportunities for the provision of affordable housing.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan. Staff will assess the appropriateness of the applicant's Preservation Plan.

Heritage Impact & Conservation

The subject site is adjacent to the Cabbagetown Northwest Heritage Conservation District and is also adjacent to properties listed on City of Toronto's Heritage Register.

A Heritage Impact Assessment was submitted with the application. Staff will review the Heritage Impact Assessment and the proposal to determine whether the proposed development complies with relevant in-force policies.

Live Music Venue

A portion of the existing building on the subject site is currently occupied by The Phoenix Concert Theatre, a long-standing live music venue with capacity for more than 1000 patrons. The proposed development would result in the demolition of this venue, and replacement of this facility is not currently contemplated.

Small music venues are an important part of the culture and vibrancy of the city and important incubators for new talent. The Official Plan and Downtown Plan encourage the retention of cultural spaces, including live music venues. Staff will work with the applicant to evaluate opportunities for replacement of the existing venue and other opportunities for inclusion of cultural space within the development.

Community Services and Facilities

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future resident and worker population.

The applicant has submitted a community services and facilities review in support of the application and has indicated that the proposed ground floor retail space could be provided as a community space. Staff continue to evaluate the impact of the proposed development and local development activity on community services and facilities and the suitability of the proposed community space in meeting the identified community services and facilities needs in the area.

Infrastructure/Servicing Capacity

In support of the proposed development, the applicant has submitted the following studies and reports for review by Engineering and Construction Services and Transportation Services staff: Functional Servicing and Stormwater Management Report; Geotechnical Investigation; Hydrogeological Investigation; and Transportation Impact Study.

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Site Access, Circulation and Parking

Staff and commenting agencies are reviewing the submitted plans and Transportation Considerations Report to evaluate the proposed site access and circulation, amount and location of loading spaces, and vehicle and bicycle parking supply.

Staff will continue to assess:

- The appropriateness of the proposed site access and circulation, including any impacts on the Sherbourne Street cycle track ;

- The appropriateness of the proposed supply of parking for residents and visitors, including the proposed pick up and drop off spaces; and
- The appropriateness of the location and configuration of the proposed loading space.

Toronto Green Standard

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

Applications for zoning by-law amendments, draft plans of subdivision and site plan control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density would be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intend to apply Section 37 provisions of the Planning Act should the proposal be approved in some form.

Other Matters

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Next Steps

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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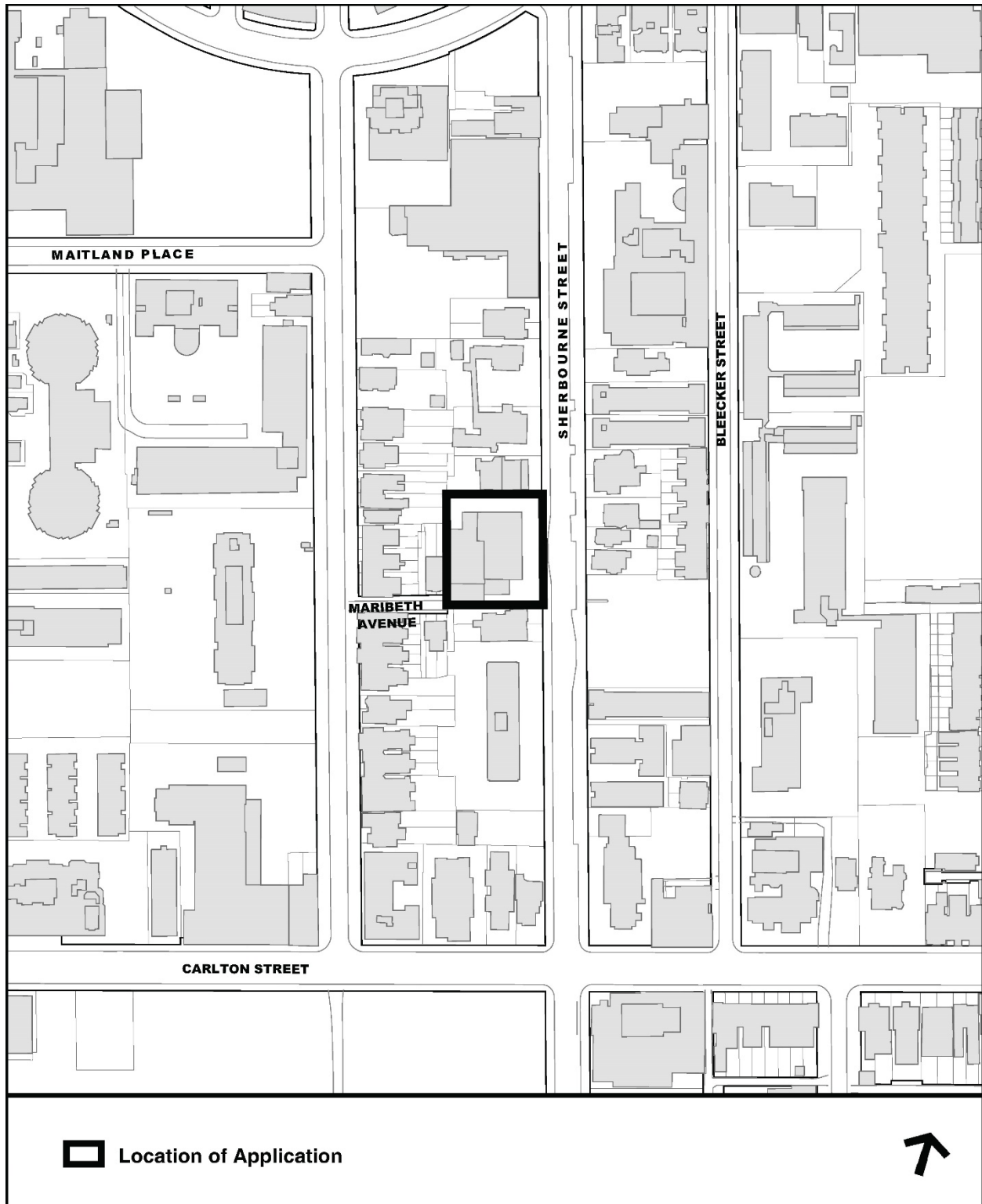
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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning, Toronto and East York District

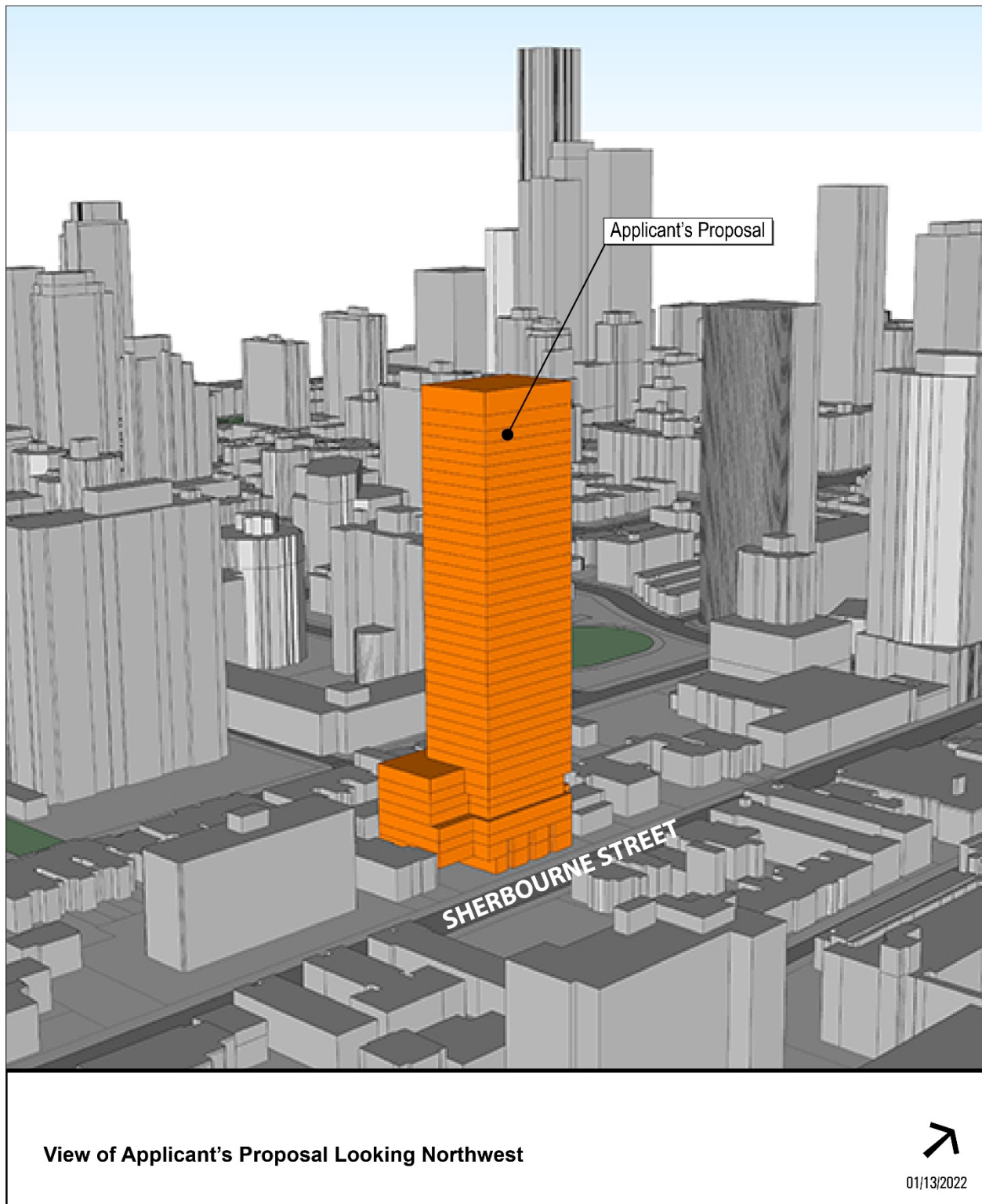
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context - Northwest View
Attachment 3: 3D Model of Proposal in Context - Southeast View
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Application Data Sheet

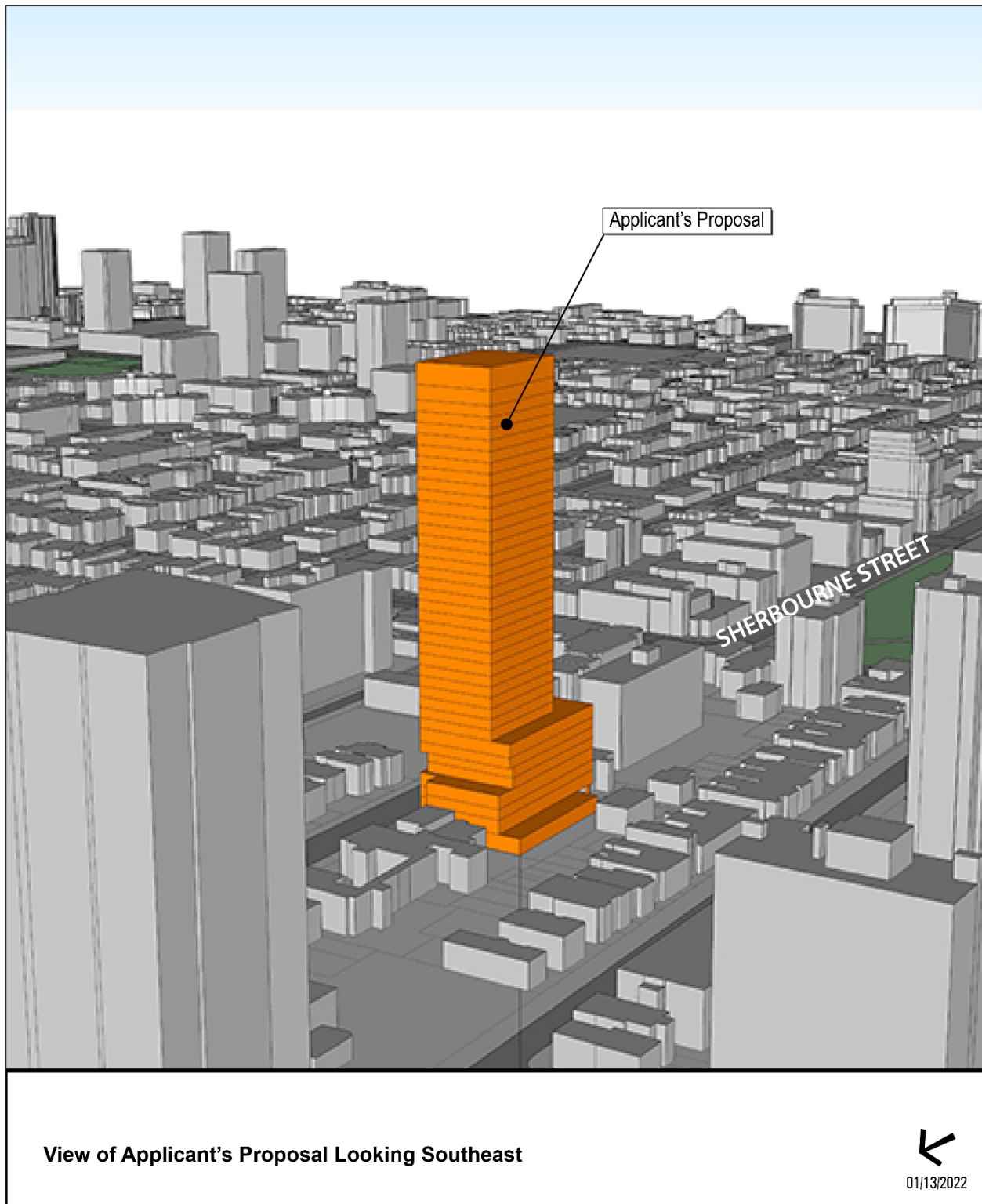
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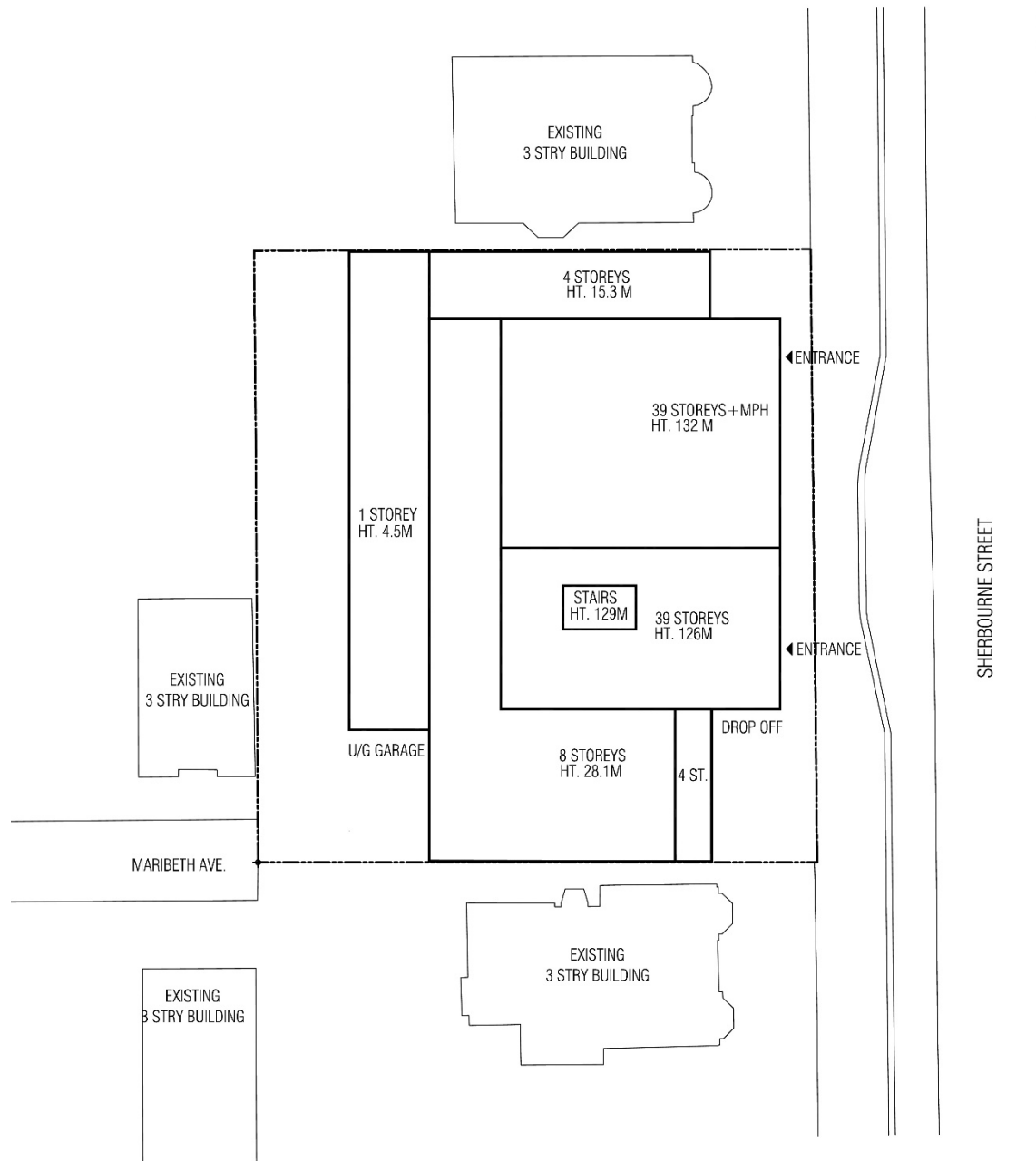
Attachment 2: 3D Model of Proposal in Context - Northwest View



Attachment 3: 3D Model of Proposal in Context - Southeast View



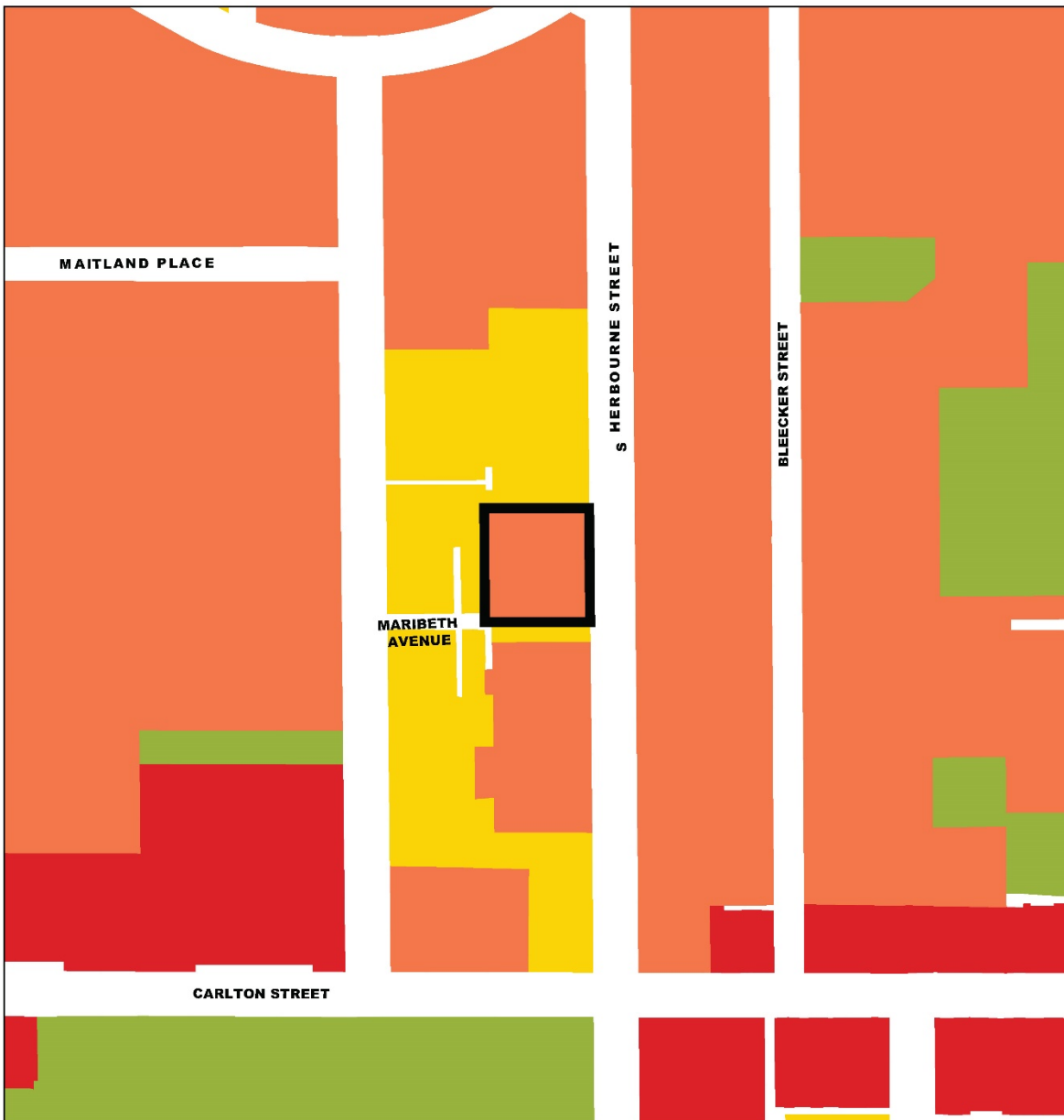
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #18

410 Sherbourne Street

File # 21 235163 STE 13 0Z




 Not to Scale
 Extracted: 11/08/2021

APPLICATION DATA SHEET

Municipal Address: 410 SHERBOURNE ST **Date Received:** November 7, 2021

Application Number: 21 235163 STE 13 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment Application to facilitate the redevelopment of the site for a 39-storey mixed-use building having a non-residential gross floor area of 281 square metres, and a residential gross floor area of 30,419 square metres.

Applicant	Agent	Architect	Owner
WALKER NOTT DRAGICEVIC ASSOCIATES LIMITED		GRAZIANA + CORAZZA ARCHITECTS	SHERBOURNE COMMUNITY CLINIC INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:		Heritage Designation:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 2,315 Frontage (m): 50 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,506	1,506
Residential GFA (sq m):			30,419	30,419
Non-Residential GFA (sq m):			281	281
Total GFA (sq m):			30,700	30,700
Height - Storeys:			39	39
Height - Metres:			126	126
Lot Coverage Ratio (%): 65.05		Floor Space Index:	13.26	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	30,419	
Retail GFA:	281	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:				456
Other:				
Total Units:				456

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		4	299	121	32
Total Units:		4	299	121	32

Parking and Loading

Parking Spaces: 92 Bicycle Parking Spaces: 457 Loading Docks: 2

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